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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,087	11/28/2001	Dave Draper	FR920000043US1	2497
54856	7590	02/16/2006	EXAMINER	
LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			NGUYEN, THUONG	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,087	DRAPER ET AL.	
	Examiner	Art Unit	
	Thuong (Tina) T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment filed on December 18, 2005. Claims 1, 3, 9, 10 and 15 were amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 3, 9, 13-14, 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry, PCT Patent No. WO0038394.

Barry teaches the invention as claimed including web-page audio message system and method (see abstract).

4. As to claim 3, Barry teaches the system as recited in claim 1, comprising the step of transmitting a password by the user at said telephone after having transmitted said user ID (page 9, lines 30-33; Barry discloses that a system which transmitted the PIN, verify the user).

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5. As to claim 9, Barry teaches the system as recited in claim 8, wherein the file containing said audio recording includes a flag set when said audio recording is recorded for one of a first time and having been changed and is reset when said file is copied from said data base to said directory (page 5, lines 4-7; Barry discloses that a system which identify the audio message through the web-page button that correlate to each other).

6. As to claim 13, Barry teaches the system as recited in claim 11, comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID (page 4, lines 1-7; Barry discloses that the system which stores the audio record in the database/file server in the telephone native format).

7. As to claim 14, Barry teaches the system as recited in claim 14, wherein said user ID includes a second part defining a directory name, wherein the file containing said audio recording is stored, and further comprising a directory to store said audio recording at a location determined by said directory name (page 5, lines 4-7; Barry discloses that a system which retrieve the audio message from the database/file server by clicking the corresponding button).

8. As to claim 16, Barry teaches the system as recited in claim 15, comprising means for entering a number assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID (page 10, lines 12-15; Barry discloses that a system which display the HTML code places on the button web-pages which associated with corresponding audio message).

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9. As to claim 17, Barry teaches the system as recited in claim 15, comprising the step of transmitting a password by the user at said telephone after this one has transmitted said user ID (page 9, lines 30-33; Barry discloses that a system which transmitted the PIN, verify the user).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 1-2, 4-7, 10-12, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, PCT Patent No. WO 0038394 in view of Hirohama et al., US. Patent No. 5,797,125.

Barry teaches the invention substantially as claimed including web-page audio message system and method (see abstract).

12. As to claim 1, Barry teaches a system, comprising:

associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects, including at least one of a chart, a slide and another presentation object, controlled by a third

party in a sever can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages.

calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network (page 3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that a system communicates through the switched telephone network, which records audio information and stores in the telephony native format),

prompting said user on said user's telephone to enter said user's user ID (page 7, line 10; page 8, lines 31-34; Barry discloses that a system which prompt to enter the PIN for the unique identification associated with the caller to retrieved the database/file server);

transmitting by a keypad of said telephone said user ID (page 8, lines 3-9; Barry discloses that a system which loads the received audio message into the interface card)

But Barry fails to teach the limitation wherein a first part of user ID defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording.

However, Hirohama teaches a voice guide systems including portable terminal units and control center having write processor (see abstract). Hirohama teaches the limitation wherein a first part of user ID defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is

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automatically synchronized with said audio recording (col 3, lines 42-46; Hirohama discloses that a system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

13. As to claim 2, Barry teaches the system as recited in claim 1. Barry teaches assigned to said visual object associated with said audio recording by the user at said telephone after said user has transmitted said user ID (page 7, lines 15-23; Barry discloses that a system which have the audio buttons or messages associated with the caller). But Barry fails to teach the limitation comprising the step of entering a number assigned to said visual object associated with said audio recording.

However, Hirohama teaches the limitation comprising the step of entering a number assigned to said visual object associated with said audio recording (col 3, lines 1-6; Hirohama discloses that a system which provided with identification code transmitting units which installed respectively to the predetermine language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system so that the user could select the associated number of audio recording. One would be motivated to do so to allow the user transmit the user ID that identified the audio recording.

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14. As to claim 4, Barry teaches the system as recited in claim 3. Barry fails to teach the system wherein said user ID includes a second part defining a directory name wherein the file containing said audio recording is stored.

However, Hirohama teaches the limitation wherein said user ID includes a second part defining a directory name wherein the file containing said audio recording is stored (col 2, lines 34-39; Hirohama discloses that a system have more than one identification code transmitting unit for particular address information, booth number, and associated language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could define a directory name. One would be motivated to do so to allow the user to select the storage of the audio recording.

15. As to claim 5, Barry teaches the system as recited in claim 4. Barry fails to teach the system comprising the step of generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server.

However, Hirohama teaches the limitation comprising the step of generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server (col 3, lines 20-23; Hirohama discloses that a system which provided the information for the corresponding booths and languages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could define the language which corresponding with the directory. One would be motivated to do so to allow the user to choose the directory and the language code.

16. As to claim 6, Barry teaches the system as recited in claim 5. Barry fails to teaches the limitation wherein said audio recording in said first language is stored in a data base by using said first file name.

However, Hirohama teaches the limitation wherein said audio recording in said first language is stored in a data base by using said first file name (col 2, lines 13-20; Hirohama discloses that a system provided with a storage means for storing specific pieces of guide information for more than one languages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could provide the user with multiple language selection. One would be motivated to do so to improve the system with multiple audio languages recording.

17. As to claim 7, Barry teaches the system as recited in claim 6. Barry fails to teaches the limitation comprising the steps of transmitting from said telephone another ID containing a first part defining a second language to be used for recording said audio recording and a second part defining said directory name, and generating by said third party server another file name including said directory name and a code defining said second language.

However, Hirohama teaches the limitation comprising the steps of transmitting from said telephone another ID containing a first part defining a second language to be used for recording said audio recording and a second part defining said directory name, and generating by said third party server another file name including said directory name and a code defining said second language (col 3, lines 1-28; Hirohama discloses that a system which identify the transmitting code for storage unit corresponding to the pre-selected language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could generate the ID, which identifies the corresponding languages. One would be motivated to do so to provide a multiple languages selection to the user.

18. As to claim 10, Barry teaches a presentation system accessed by the Internet network wherein a plurality of visual objects, including at least one of a chart, a slide and another presentation object. Controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in any language selected amongst several predetermined languages, comprising:

a third party server including processing means for receiving a user ID from a user telephone (page 7, line 10; page 8, lines 31-34; Barry discloses that a system which prompt to enter the PIN for the unique identification associated with the caller to retrieved the database/file server);

But Barry fails to teach the limitation wherein said user ID comprising a first part defining a first language to be used for recording said audio recording whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording.

However, Hirohama teaches a voice guide systems including portable terminal units and control center having write processor (see abstract). Hirohama teaches the limitation wherein said user ID comprising a first part defining a first language to be used for recording said audio recording whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (col 3, lines 42-46; Hirohama discloses that a system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

19. As to claim 11, Barry teaches the system as recited in claim 10. Barry fails to teaches the limitation wherein said third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID.

However, Hirohama teaches the limitation wherein said third party server comprises a table for determining said language to be used for recording said audio recording from said first part in said user ID (col 2, lines 24-31; Hirohama discloses that

a system which configured the guide for languages storage information used for audio recording).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system would have an option to choose the desired language. One would be motivated to do so to provide the customer with variety language selection.

20. As to claim 12, Barry teaches the system as recited in claim 11. Barry fails to teach the system wherein said user ID includes a second part defining a directory name, wherein the file containing said audio recording is stored, and further comprising a directory to store said audio recording at a location determined by said directory name.

However, Hirohama teaches the limitation wherein said user ID includes a second part defining a directory name, wherein the file containing said audio recording is stored, and further comprising a directory to store said audio recording at a location determined by said directory name (col 2, lines 34-39; Hirohama discloses that a system have more than one identification code transmitting unit for particular address information, booth number, and associated language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could define a directory name. One would be motivated to do so to allow the user to select the storage of the audio recording.

21. As to claim 15, Barry teaches a system, comprising:

Means for associating multi-lingual audio recordings with visual objects in a presentation system accessed by the Internet network, wherein a plurality of visual objects, including at least one of a chart, slide and another presentation object.

Controlled by a third party in a server can be accessed by any user of said Internet network, said visual objects being associated each with an audio recording in a particular language selected from amongst several predetermined languages;

means for calling said third party server by a user in charge of the audio recording associated with a visual object via the Public Switched Network (page 3, lines 31 – page 4, lines 2; page 10, lines 30-32; Barry discloses that a system communicates through the switched telephone network, which records audio information and stores in the telephony native format),

means for prompting said user on said user's telephone to enter said user's user ID (page 7, line 10; page 8, lines 31-34; Barry discloses that a system which prompt to enter the PIN for the unique identification associated with the caller to retrieved the database/file server);

means for transmitting by a keypad of said telephone said user ID (page 8, lines 3-9; page 7, lines 15-23; Barry discloses that a system which loads and received audio message into the interface card)

But Barry fails to teach the limitation wherein a first part of user ID first part defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording.

However, Hirohama teaches a voice guide systems including portable terminal units and control center having write processor (see abstract). Hirohama teaches the limitation wherein a first part of user ID first part defining a first language to be used for recording said audio recording, whereby displaying of said visual object by said workstation is automatically synchronized with said audio recording (col 3, lines 42-46 and lines 43-51; Hirohama discloses that a system which stores more than one specific pieces of information for individual booths in more than one language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have multiple language of audio recording. One would be motivated to do so to allow the user define the language he/she would desired.

22. As to claim 18, Barry teaches the system as recited in claim 17. Barry fails to teach the limitation comprising means for generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server.

However, Hirohama teaches the limitation comprising means for generating by said third party server a first file name including said directory name and a code defining said first language when ID is received by said third party server (col 3, lines 1-28; Hirohama discloses that a system which identify the transmitting code for storage unit corresponding to the pre-selected language).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could generate the ID,

which identifies the corresponding languages. One would be motivated to do so to provide a multiple languages selection to the user.

23. As to claim 19, Barry teaches the system as recited in claim 1. Barry fails to teach the limitation wherein a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects.

However, Hirohama teaches the limitation wherein a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects (col 4, lines 1-15; Hirohama discloses that a system which provided the selected booths with the corresponding languages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have an option of choosing the desired language. One would be motivated to do so to improve the system by having variety choices.

24. As to claim 20, Barry teaches the system as recited in claim 10. Barry fails to teach the limitation wherein a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects.

However, Hirohama teaches the limitation wherein a computer usable medium having computer readable program code means embodied therein for causing association of multi-lingual audio recordings with visual objects (col 4, lines 1-15;

Hirohama discloses that a system which provided the selected booths with the corresponding languages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could have an option of choosing the desired language. One would be motivated to do so to improve the system by having variety choices.

25. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barry, PCT Patent No. WO 0038394 in view of Freishtat et al., US. Patent No. 5,945,989.

Barry teaches the invention substantially as claimed including web-page audio message system and method (see abstract).

As to claim 3, Barry teaches a system as recited in claim 6. Barry fails to teach the limitation comprising the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone.

However, Freishtat teaches a method and apparatus for adding and altering content on website (see abstract). Hirohama teaches the limitation comprising the step of copying said audio recording corresponding to said first file name from said data base to a directory at said directory name, said step of copying being activated by the user at said telephone (col 5, lines 5-10; Freishtat discloses that a system which copying and editing the subroutines of audio recorded messages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barry in view of Hirohama so that the system could record and copy the corresponding file and directory name. One would be motivated to do so to allow the user to copy the audio recording to file.

Response to Arguments

26. Applicant's arguments filed December 18, 2005 have been fully considered but they are not persuasive because of the following reasons:

27. In response to applicant's arguments, the recitation wherein plurality of visual objects, including at least one of a chart, a slide and another presentation objects, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

28. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 10 and 15. Claims 2-9 and 19, 11-14 and 20, 16-18 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action. Accordingly, claims 1-20 are respectfully rejected.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is (571) 272-3864 and the fax number is (571) 273-3864. The examiner can normally be reached on Monday thru Friday, 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll-free).

Thuong Nguyen

Patent Examiner/ Art Unit 2155


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER